

**MINUTES OF THE
CITY PLANNING COMMISSION
J. MARTIN GRIESEL CONFERENCE ROOM
May 20, 2005
9:00AM**

CALL TO ORDER

Ms. McCray called the meeting to order at 9:10.

Commission Members:

Present: Ms. McCray, Ms. Holston, Mr. Mooney and Mr. Paddock

Members Absent: Mr. Faux, Ms. Hankner and Ms. Lemmie

Community Development and Planning Staff:

Margaret Wuerstle, Renee Christon, Steve Briggs, Larry Harris and Jennifer Walker.

Law Department:

Julia Carney

APPROVAL OF MINUTES

Submission of the minutes from the May 6, 2005 Planning Commission meeting for approval.

Motion: Mr. Mooney

Second: Mr. Paddock

Vote: All ayes (4-0), motion carried

CONSENT ITEMS

ITEM #1 A report and recommendation on the granting of permanent easements for the Desmond Street Drainage Improvement Project in Madisonville.

ITEM #2 A report and recommendation on the sale of surplus land located at 22 Garfield Place in the Central Business District.

ITEM #3 A report and recommendation on a Plat of Subdivision, Record Plat, for the Grand Avenue Commons Subdivision in the East Price Hill neighborhood.

ITEM #4 A report and recommendation on a Plat of Subdivision, Record Plat, for the Baluyot Subdivision located at 4 Weebetook Lane in the neighborhood of Hyde Park.

Motion: Ms. Holston motion to approve Consent Items 1-4

Second: Mr. Mooney

Vote: All ayes (4-0), motion carried

DISCUSSION ITEMS

ITEM #5 A report and recommendation on Interim Development Control (IDC) district #60 in Hyde Park

Jennifer Walke, Senior City Planner, presented this item

BACKGROUND:

The City of Cincinnati adopted a Zoning Code last year that established new zoning designations. The new RMX zoning designation for the area, which is near the intersection of Observatory and Michigan Avenues in Hyde Park, was controversial. Council established IDC #60 to protect the area from adverse development while a zoning study was performed to determine the highest and best use of the properties within the IDC.

DESCRIPTION:

IDC #60 was extended for a period of six months on February 13, 2005 to allow time for the completion of the zoning study. The study determined that the RMX designation was too dense for the single and two family structures along Observatory Avenue. On May 6, 2005, the City Planning Commission approved text changes to the RMX zoning designation that limited the density of the district. Many residents as well as the Hyde Park Neighborhood Council supported the change. Unless extended, IDC #60 will expire on August 13, 2005.

The text changes that were approved by City Planning Commission to the RMX zoning designation reflected residents concerns by limiting the density of the district. IDC #60 should be permitted to expire on August 13, 2005 and not be extended.

RECOMMENDATION:

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action: Approve the staff recommendation and permit IDC #60 to expire on August 13, 2005

DISCUSSION:

Mr. Matthew Walsh, 1348 Michigan Ave, was concern about the Zone Text Amendment being adopted by City Council before IDC #60 expires on August 13, 2005. .

Ms. Wuerstle, Chief Planner for the City assured Mr. Walsh and the Commission that the zone text amendment for the RMX District will go before the Neighborhoods' Committee on June 21, 2005 and should be adopted by City Council June 22, 2005.

Mr. Mooney pointed out that the Commission had addressed the issues concerning the IDC#60 in a timely manner and now it is the City Councils' responsibility to finalize the text amendments.

Motion: Mr. Mooney motion to approve staff recommendation and permit IDC #60 to expire on August 13, 2005.

Second: Ms. Holston

Vote: All ayes (4-0), motion carried

ITEM #6 A report and recommendation to extend the duration of Interim Development Control (IDC) Overlay District #58 in North Avondale to February 13, 2006.

Larry Harris, Senior City Planner, presented this item

BACKGROUND:

On February 9, 2005 City Council approved a six-month extension of IDC #58 (RMX Zoning District) in the North Avondale Community. The extension was granted to allow the staff to complete studies of proposed text amendments to the RMX zoning district.

On May 6, 2005 the CPC voted to amend the zoning code to include text amendments to the RMX district. In consideration of the unique large lots in the RMX district in North Avondale, the Commission agreed to a proposed zone change study for the area currently covered by IDC #58 that will expire on August 13, 2005.

An extension of the IDC period would be necessary to allow due diligence for the City Planning Commission and City Council to review the recommendations for rezoning of the RMX district from RMX to SF-4. To facilitate the zoning study process, the IDC should be extended for an additional six-month period. Specifically, the IDC should call for review of all applications as outlined by Section 1431-07(a)(1-7) and (b). The effective period of the IDC extension should be from August 13, 2005 to February 12, 2006.

ANALYSIS:

Section 1431-13 (a-c) of the City of Cincinnati Zoning Code allows for an extension of an IDC provided that the following three conditions are met: a) the zoning study is complex, b) the study is ongoing and incomplete and c) the prospect of changes in use that would create land uses inconsistent with Commission approved findings or objectives for an area. The analysis of the circumstances affecting IDC #58 finds that the conditions exist to extend the duration of IDC #58 for an additional six-month period.

The rezoning study for the RMX district covered by IDC #58 *is complex* because the area contains properties with varying square foot ranges. This RMX area in North Avondale is transitioning, with a mix of multi-family residential structures and single-family structures. The *complexity of the study requires determining the social impact* of specific guidelines for minimum lot requirements that will reflect the development potential in the area, while considering the rights of property owners of both the single and multi-family structures. The Commission recommended zone change study for the RMX to SF-4 is on-going and *is not complete*. Staff has not presented its findings and conclusions to the Commission. The prospect of alterations or demolition of structures or construction of new units in the RMX study area is a continuing concern to the community. Without the IDC in place, new development could propose *land uses inconsistent* with the preliminary objectives approved by the CPC.

RECOMMENDATION:

The staff of the City Planning Division recommends that the City Planning Commission approve the proposed extension of IDC #58 (RMX District) as outlined in the analysis and findings.

DISCUSSION:

Ms. Julia Carney, Law Department had stated that the correct date for extending the duration of Interim Development Control (IDC) Overlay District #58 in North Avondale is February 12, 2006, and not February 13, 2006 as in the staff report.

Motion: Mr. Paddock motion to accept the staff recommendation for extension of IDC #58 (RMX District) in North Avondale to February 12, 2006.

Second: Mr. Mooney

Vote: All ayes (4-0), motion carried

ITEM #7 A report and recommendation on a proposal for a two family dwelling at 2741 Observatory Avenue in IDC No. 60 within the Hyde Park neighborhood.

Steve Briggs, Senior City Planner, presented this item

A building permit application has been submitted for 2741 Observatory Avenue. The property is located approximately 50 feet east of the intersection between Michigan Avenue and Observatory Avenue. The building permit application was received by the Department of Buildings and Inspections on May 9, 2005. The property owner, Thomas P. Sorrentino, proposes to renovate the current single-family structure with a 2,500 square foot addition creating two attached town homes. The existing zoning is Residential Mixed (RMX) and this address is located within IDC No. 60. The property has 50 feet of frontage on Observatory Avenue and has depth of 150.35 feet containing 7,517.5 square feet.

The proposed building addition is positioned within the rear yard area of the existing residential structure and includes the second dwelling unit and garage parking for each. The yard set backs of 30 feet front yard, three feet side yards and a 20 feet rear yard are in compliance with the current zoning code requirements.

DISCUSSION:

IDC #60 was created at the time of the current zoning code enactment in February 2004 and subsequently extended in February of 2005. It will expire on August 13, 2005. No guidelines were adopted. The IDC regulations specify that the City Planning Commission may review building permit applications.

At the time of the new zoning code enactment there was some controversy surrounding the proposed zoning density for this area. The underlying zoning of the area is Residential Mixed (RMX), which is a multi-family designation, that allows for 1-3 dwelling units per parcel. Some residents expressed concern that the RMX was too dense for this area and asked for a zoning study to determine the feasibility of rezoning the area to new type of RMX district that would allow for 1 or 2 dwelling units per parcel. IDC #60 was created to allow review of proposed developments until a zoning study was completed. The City Planning Commission considered changes to the RMX district regulations at its May 6, 2005 meeting.

Essentially the proposed text changes maintain the one, two and three family density but make additional dwelling units in row house configurations a conditional use and the

minimal lot area was increased from 2,000 to 2,500 square feet. At this time, City Council has not taken action on the new RMX text amendments.

PUBLIC HEARING REQUIRED:

In accordance with Section 1413-19 Review of Permit Applications, The City Planning Commission has the duty to hold a public hearing on the application within 30 Days of receiving the advisory report.

RECOMMENDATION:

The Community Development and Planning Department staff recommends that the City Planning Commission take the following action:

The City Planning Commission establish Friday June 3, 2005 as the date of public hearing for a proposed two-family dwelling at 2741 Observatory Avenue in IDC No. 60.

Motion: Ms. Holston moved approval of the staff recommendation that Friday June 3, 2005 is established as the date the City Planning Commission will hold a Public Hearing for a proposed two family dwelling at 2741 Observatory Avenue in IDC #60.

Second: Mr. Paddock

Vote: All ayes (4-0), motion carried

OTHER BUSINESS

The Committee addressed the Chief Planner, Margaret Wuerstle on whether or not there were any other issues she cared to discuss due to the timely manner the agenda discussion items were completed.

Ms Wuerstle informed the Commission that the (31) zoning text amendments that they approved would be before the Neighborhood Committee on June 21, 2005 for adoption and on June 22, 2005 before Council.

Mr. Mooney mentioned an article he read in the newspaper concerning the Park Board plans for River Park, and plans for Fountain Square. He stated that the Commission under the Charter would have an opportunity to approve the plans along with City Council. Ms.Wuerstle stated that she would talk to the Park Board and try to schedule an update on the project for the next meeting.

Ms. Wuerstle also informed the Commission that she had submitted a draft of the Interpretation Policy to Mr. Langevin his review and input. Once she obtains his input she will bring the policy to the Commission for approval.

ADJOURN

Motion: Mr. Mooney motioned to adjourn
Second: Mr. Paddock
Vote: All ayes (4-0), motion carried

Margaret A. Wuerstle, AICP
Chief Planner City Planning Commission
Department of Community
Development & Planning
Date: _____

Caleb Faux, Chair

Date: _____